

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD MCDUFF,

Plaintiff,

v.

KRISTEN JONES, *et al.*,

Defendants.

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Case No. 23-11739

F. Kay Behm

United States District Judge

Kimberly G. Altman

United States Magistrate Judge

**OPINION AND ORDER ACCEPTING AND ADOPTING  
THE MAGISTRATE JUDGE'S NOVEMBER 6, 2023  
REPORT AND RECOMMENDATION (ECF No. 16)**

Currently before the court is Magistrate Judge Kimberly G. Altman's November 6, 2023 Report and Recommendation. (ECF No. 16). Magistrate Judge Altman recommends denying the October 12, 2023 Motion for Summary Judgment as Moot (ECF No. 11) because the movants filed a replacement motion on November 3, 2023 (ECF No. 14) after Plaintiff filed an amended complaint. (ECF No. 16). The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court

nevertheless agrees with the Magistrate Judge's recommended disposition.

Therefore, the court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 16) and **DENIES** the October 12, 2023 Motion for Summary as **MOOT**.

**SO ORDERED.**

Date: November 28, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge